

**WEST HOLLYWOOD  
ETHICS REFORM TASK FORCE  
SPECIAL MEETING AGENDA  
MONDAY, APRIL 22, 2019  
6:00 P.M.**

**CITY HALL COMMUNITY MEETING ROOM  
8300 SANTA MONICA BOULEVARD  
WEST HOLLYWOOD, CA 90069**

1. **CALL TO ORDER**
  - A. Pledge of Allegiance
  - B. Reminder to Speak Clearly into Microphone and to Turn Off All Mobile Devices
  - C. Roll Call
  - D. Approval of the Minutes (February 25, 2019)
  
2. **PUBLIC COMMENT: This time is set aside for members of the public to address the Task Force on matters related to ethics reform and the City's regulations. The City Council created the Task Force to develop recommendations relating generally to regulation of campaign finance, government ethics, and lobbyists. The Task Force is looking to hear from community members and all other interested persons on these topics. PLEASE NOTE THAT YOU MAY ALSO EMAIL YOUR COMMENTS TO THE TASK FORCE AT [EthicsTaskForce@weho.org](mailto:EthicsTaskForce@weho.org). Emails sent to the Task Force are public records.**
  
3. **TASK FORCE comments, questions, deliberations**

**DISCUSSION TOPICS**

  - **Restrictions on Campaign Officials Serving as Lobbyists**
  - **Policies Related to Elected Officials Serving on Boards of Directors for Non-Profits**
  
4. **COMMENTS FROM STAFF**

This time is set aside for staff to provide any announcements or updates relevant to the Task Force's business and to confirm the next meeting date.

  - **City Clerk's Recommendation Regarding Term and Convening of the Ethics Reform Task Force**
  
5. **ADJOURNMENT** – The Ethics Reform Task Force will adjourn to its next meeting.

**ETHICS REFORM TASK FORCE MEMBERS:** Joseph Guardarrama, Max Kanin, and Elizabeth Ralston.

**STAFF:** Melissa Crowder, Assistant City Clerk; Yvonne Quarker, City Clerk; Lauren Langer, Assistant City Attorney

If you require special assistance to participate in this meeting (e.g., a signer for the hearing impaired), you must call, or submit your request in writing to the Office of the City Clerk at (323) 848-6356 at least 48 hours prior to the meeting. The City TDD line for the hearing impaired is (323) 848-6496.

Special meeting-related accommodations (e.g., transportation) may be provided upon written request to the Office of the City Clerk at least 48 hours prior to the meeting. For information on public transportation, call 1-323-GO-METRO (323/466-3876) or go to [www.mta.net](http://www.mta.net).

This agenda was posted at City Hall, the West Hollywood Library on San Vicente Boulevard, and the West Hollywood Sheriff's Station.

If you would like additional information on any item appearing on this agenda, please contact Melissa Crowder at (323) 848-6356 or via email at [mcrowder@weho.org](mailto:mcrowder@weho.org).

**Item 1.D.**

**Approval of the Minutes of  
February 25, 2019**

**WEST HOLLYWOOD  
ETHICS REFORM TASK FORCE  
MINUTES  
MONDAY, FEBRUARY 25, 2019  
6:30 P.M.**

**CITY HALL COMMUNITY MEETING ROOM  
8300 SANTA MONICA BOULEVARD  
WEST HOLLYWOOD, CA 90069**

**1. CALL TO ORDER**

- A. Pledge of Allegiance – Chair Guardarrama led the Pledge of Allegiance.
- B. Roll Call

PRESENT: Task Force Member Guardarrama, Task Force Member Kanin, and Task Force Member Ralston.  
ABSENT: None.  
ALSO Assistant City Attorney Langer and Assistant City Clerk Crowder.  
PRESENT:

- C. Approval of the Minutes of September 17, 2018. **Motion by Task Force Member Kanin, seconded by Task Force Member Ralston, and approved.**

**2. PUBLIC COMMENT:**

JAKES STEVENS, LOS ANGELES, spoke regarding recusals.

STEVE NOH, LOS ANGELES, spoke regarding Mayor Duran.

**3. TASK FORCE comments, questions, deliberations**

**DISCUSSION TOPICS**

- **Consideration of establishing a City Code of Ethics for City Consultants and City Contractors**

Assistant City Attorney Lauren Langer provided background information as outlined in the staff report dated February 25, 2019. The Ethics Reform Task Force (“Task Force”) Members discussed establishing a Code of Ethics for City consultants and contractors for the City of West Hollywood. They indicated that it is difficult to regulate something when they don’t know the context of any issues or perceived issues.

The Task Force supported including the Institute of Management Consultants USA Code of Ethics into City contracts. They requested that the City Council provide further information to them on any issues or perceived issues with City contractors so that they can better respond to the request. They also indicated that if Council desires, they can review and discuss a possible ban on contractors who submit contracts or are awarded a contract from providing campaign donations. **Motion by**

**Task Force Member Guardarrama, seconded by Task Force Member Kanin, and approved.**

- **Consideration of Amendments to City's Lobbyist Regulations, including providing input on direction from City Council to prepare an ordinance prohibiting campaign consultants from serving as lobbyists**

The Ethics Reform Task Force ("Task Force") asked staff to clarify what the City Council direction was on this issue. Assistant City Clerk Crowder provided clarification.

The Task Force discussed the constitutionality of restricting or banning campaign consultants from serving as lobbyists. Task Force Member Guardarrama referred to Government Code §86205 which places restrictions on the lobbyist rather than a complete ban. He further provided information from the City of San Francisco's and the City of Los Angeles' regulations for lobbyists that come before their respective cities. He indicated that the previous Task Force made recommendations to the City Council to regulate lobbyists. The Task Force discussed the issue further.

The Task Force expressed general support for the prior Task Force's lobbyist regulations and after hearing further information from the City Attorney's Office, may consider banning campaign consultants from lobbying. **Motion by Task Force Member Guardarrama, seconded by Task Force Member Kanin, and approved.**

Staff will return with prior Task Force's lobbyist regulations as well as return with more information regarding limiting campaign consultants from lobbying, specifically the San Francisco Ordinance and the definition of campaign consultant.

**4. COMMENTS FROM STAFF**

None.

- 5. ADJOURNMENT** – The Ethics Reform Task Force adjourned at 7:25 p.m.

**Item 1.D.**

**Approval of the Minutes of  
February 25, 2019**

**WEST HOLLYWOOD  
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ABSENT: None.  
ALSO Assistant City Attorney Langer and Assistant City Clerk Crowder.  
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**4. COMMENTS FROM STAFF**

None.

- 5. ADJOURNMENT** – The Ethics Reform Task Force adjourned at 7:25 p.m.



# Attachment A

July 16, 2018 City Council  
Meeting Staff Report  
Regarding Service on Non-  
Profit Boards of Directors

SUBJECT: **CODE OF ETHICS FOR CONSULTANTS/CONTRACTORS AND  
SERVICE ON NONPROFIT BOARDS OF DIRECTORS**

INITIATED BY: **COUNCILMEMBER LAUREN MEISTER**

PREPARED BY: **COMMUNITY & LEGISLATIVE AFFAIRS DIVISION**  
(John Leonard, Manager) *JPL*  
(Andi Lovano, Senior Management Analyst) *[Signature]*

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**STATEMENT ON THE SUBJECT:**

The City Council will consider directing the Ethics Reform Task Force to evaluate the creation of a code of ethics for City consultants and contractors, and research policies on service on nonprofit boards of directors.

**RECOMMENDATIONS:**

1. Direct the Ethics Reform Task Force to evaluate the creation of a code of ethics for City consultants and contractors.
2. Direct the Ethics Reform Task Force to research policies in other jurisdictions regarding elected officials serving on the boards of directors for nonprofit organizations.
3. Report back to the City Council outlining findings and recommendations.

**BACKGROUND / ANALYSIS:**

In April 2015, the City Council convened an Ethics Reform Task Force, comprised of independent and professional subject matter experts, to review the City's ethics laws and regulations, seek input from the community, and recommend any revisions or reforms the Task Force deemed warranted or desirable. The Task Force reviews any necessary ethics reform as it applies to elected officials, appointed officials, City Hall staff, and those who do business with the City, including lobbyists and consultants.

The four key issue areas identified by the City Council for the Ethics Reform Task Force to evaluate were: Government Ethics, Campaign Finance, Lobbyists Regulation and Revolving Door Ordinance, and Enforcement. Since the formation of the original Ethics Reform Task Force, the City has adopted various ethics reform initiatives meant to increase transparency, promote integrity, and further the City's commitment to open and fair government.

**Code of Ethics**

This item seeks to expand the work program of the Ethics Reform Task Force by directing the Task Force to evaluate the creation of a code of ethics for consultants and

contractors that are doing business with the City of West Hollywood. Currently, the City of West Hollywood does not have conduct or ethics requirements for consultants or contractors. Through the contracting process, consultants and contractors are required to agree to comply with all applicable federal, state, and local laws, codes, ordinances, and regulations. They must agree not to discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex, sexual orientation, gender identity, political affiliation or opinion, medical condition, or pregnancy or pregnancy-related condition. Additionally, the consultant or contractor must affirm that they do not honor the Arab League Boycott of Israel.

In California, state and federal laws have established a complex set of ethics laws and requirements for public officials. The City of West Hollywood has established a code of conduct for elected and appointed officials, which consists of policies and rules intended to advance the City's goals of providing efficient and high quality services to its residents and providing a safe and productive work environment for its employees. This code is applicable to all City Council, Commission and Advisory Board members; however, the code does not apply to consultants or contractors that work with the City.

Often companies or consultants have created their own code of ethics or adhere to the code of ethics of various professional organizations. For example, the Institute for Management Consultants USA (IMC) created a code of ethics that all of its members must pledge to abide by as a condition of membership and certification (Attachment 1). The purpose of the code is to help members maintain their professionalism and adhere to high ethical standards as they provide services to clients and in their dealings with their colleagues and the public. The commitments in the code stress the importance of integrity, competence, objectivity, confidentiality, and fiscal responsibility. IMC's code also includes provisions that the consultant will avoid conflicts of interest or the appearance of such, and will not accept commissions, remuneration, or other benefits from a third party in connection with the recommendations to a client without that client's prior knowledge and consent.

The Federal Acquisition Regulation ("FAR") requires organizations contracting with the federal government to have a code of business ethics and compliance policies and procedures. The rules apply to contractors and subcontractors with contracts over \$5 million and a performance period of 120 days or longer. Though this policy has limitations and does not impose requirements for small business contracts, it does serve as a standard for all federal government contractors. The FAR regulates that applicable contractors must have a written code of business ethics and promote an organization with ethical values and conduct that complies with the law.

The City will further its goals of institutional integrity and transparency by requiring consultants and contractors who do business with the City of West Hollywood to abide by a standard or formal code of ethics. Without a formal code of ethics requirement in place, the City may have inconsistent review procedures for potential consultants and contractors. By reviewing the existing process and making recommendations to the City Council, the Ethics Reform Task Force will determine if the existing process is sufficient or if additional steps are necessary to ensure the City is working with consultants and contractors that share the City's business ethics and values.

### Nonprofit Boards of Directors

There are no federal laws that directly prohibit elected officials from serving on nonprofit boards of directors. However, there are federal and state laws that include conflict of interest provisions which apply to directors of nonprofit organizations. In 1994, the City of West Hollywood adopted a resolution establishing that a nonprofit organization shall not be eligible to receive City grants or funds if any member of its board of directors is also a City Council member, a Council Deputy, the City Manager, Assistant City Manager, Director, or their spouse/registered domestic partner. In 2008, the City Council voted to rescind this resolution based on the justification that an elected or appointed official serving on a nonprofit board could recuse themselves from a vote related to the nonprofit in order to avoid any conflict of interest. The City of West Hollywood currently has no restrictions on elected or appointed officials serving on nonprofit boards as long as it is in compliance with federal and state law and conflicts of interest are avoided.

This item directs the Ethics Reform Task Force to research policies in other jurisdictions to determine if other cities have adopted policies regarding elected or appointed officials serving on nonprofit boards of directors. The Ethics Reform Task Force will report back to the City Council with further information on what policies other jurisdictions have adopted, if any, and recommendations for City Council consideration.

### CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- OSP-2: Institutional Integrity.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- G-2: Maintain transparency and integrity in West Hollywood's decision-making process.
- HS-1: Maintain and pursue humane social policies and social services that address the needs of the community.

### EVALUATION PROCESSES:

N/A

### ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

N/A

### COMMUNITY ENGAGEMENT:

N/A

**OFFICE OF PRIMARY RESPONSIBILITY:**

ADMINISTRATIVE SERVICES DEPARTMENT / CITY CLERK DIVISION

**FISCAL IMPACT:**

None at this time.

**ATTACHMENT:**

1. Institute of Management Consultants USA Code of Ethics



**IMC USA**

Institute of Management Consultants USA

## Institute of Management Consultants USA Code of Ethics



CERTIFIED  
MANAGEMENT CONSULTANT

All IMC USA members and Certified Management Consultants® (CMCs) pledge in writing to abide by the Institute's Code Ethics. Their adherence to the Code signifies voluntary assumption of self-discipline. As the professional association and certifying body for management consultants in the United States, IMC USA requires adherence to this Code of Ethics as a condition of membership and certification. The standards of conduct set forth in this Code provide basic principles in the ethical practice of management consulting. The purpose of this Code is to help IMC USA members maintain their professionalism and adhere to high ethical standards in the conduct of providing services to clients and in their dealings with their colleagues and the public. The individual judgment of Members and CMCs is required to apply these principles. Members and CMCs are liable to disciplinary action under the IMC USA Rules of Procedure for Enforcement of this Code if their conduct is found by the IMC USA Ethics Committee to be in violation of the Code or to bring discredit to the profession or to IMC USA.

### **My Commitment to My Clients**

- 1.0 I will serve my clients with integrity, competence, independence, objectivity, and professionalism.
- 2.0 I will mutually establish with my clients realistic expectations of the benefits and results of my services.
- 3.0 I will only accept assignments for which I possess the requisite experience and competence to perform and will only assign staff or engage colleagues with the knowledge and expertise needed to serve my clients effectively.
- 4.0 Before accepting any engagement, I will ensure that I have worked with my clients to establish a mutual understanding of the objectives, scope, work plan, and fee arrangements.
- 5.0 I will treat appropriately all confidential client information that is not public knowledge, take reasonable steps to prevent it from access by unauthorized people, and will not take advantage of proprietary or privileged information, either for use by myself, the client's firm, or another client, without the client's permission.
- 6.0 I will avoid conflicts of interest or the appearance of such and will immediately disclose to the client circumstances or interests that I believe may influence my judgment or objectivity.
- 7.0 I will offer to withdraw from a consulting assignment when I believe my objectivity or integrity may be impaired.
- 8.0 I will refrain from inviting an employee of an active or inactive client to consider alternative employment without prior discussion with the client.

### **My Commitment to Fiscal Integrity**

- 9.0 I will agree in advance with a client on the basis for fees and expenses and will charge fees that are reasonable and commensurate with the services delivered and the responsibility accepted.
- 10.0 I will not accept commissions, remuneration, or other benefits from a third party in connection with the recommendations to a client without that client's prior knowledge and consent, and I will disclose in advance any financial interests in goods or services that form part of such recommendations.

### **My Commitment to the Public and the Profession**

- 11.0 If within the scope of my engagement, I will report to appropriate authorities within or external to the client organization any occurrences of malfeasance, dangerous behavior, or illegal activities.
- 12.0 I will respect the rights of consulting colleagues and consulting firms and will not use their proprietary information or methodologies without permission.
- 13.0 I will represent the profession with integrity and professionalism in my relations with my clients, colleagues, and the general public.
- 14.0 I will not advertise my services in a deceptive manner nor misrepresent or denigrate individual consulting practitioners, consulting firms, or the consulting profession.
- 15.0 If I perceive a violation of the Code, I will report it to the Institute of Management Consultants USA and will promote adherence to the Code by other member consultants working on my behalf.

*Approved by the IMC USA Board of Directors February 3, 2005*

## Attachment B

City of Berkeley Resolution  
No. 68,201-N.S. “Adopting a  
Revised Conflict of Interest  
Code for the City of Berkeley  
and Rescinding Resolution  
No. 67,732-N.S.

RESOLUTION NO. 68,201-N.S.

ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE CITY OF  
BERKELEY AND RESCINDING RESOLUTION NO. 67,732-N.S.

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, state law as specified in the Political Reform Act (the Act) requires the City Council as the code-reviewing body to direct the review of its conflict of interest code; and

WHEREAS, the Act further requires that such direction must occur by July 1 of each even numbered year; and

WHEREAS, the Act additionally requires the submission of a revised conflict of interest code for approval by the code-reviewing body or the notification of said body that no changes are necessary; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform Act; and

WHEREAS, the City of Berkeley may incorporate in its Conflict of Interest Code, by reference, regulation, 2 Cal. Adm. Code Section 18730; and

WHEREAS, on October 1, 1982, the City Council of the City of Berkeley adopted Resolution No. 51,425-N.S., Conflict of Interest Code, for the City of Berkeley; and

WHEREAS, the Code has been amended over time to incorporate changes in regulations, departmental organizational structure, changes in job classifications, and the addition and deletion of certain boards and commissions; and

WHEREAS, Resolution No. 67,732-N.S., adopted November 15, 2016, City of Berkeley's Conflict of Interest Code, requires minor amendments to reflect the current organizational structure of departments, their designated positions and level of disclosure; and

WHEREAS, the Council has determined that the attached Conflict of Interest Code accurately sets forth the current organizational structure of departments, their designated positions, and the respective categories of financial interests which should be made reportable and those boards and commissions which should be designated and the respective categories of financial interests which should be made reportable by their members; and



WHEREAS, state law allows the City to accept Form 700 electronically and designate the electronic filing as the filing of record, and the City has the ability to accept and process electronic filings.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. That Resolution No. 67,732–N.S. is hereby rescinded.

Section 2. That the City of Berkeley Conflict of Interest Code is hereby adopted, as attached, and includes the following:

(a) With the additions noted below, the terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and made a part of the Conflict of Interest Code of the City of Berkeley except that: (1) the term "investment" shall apply to financial interests in non-profit organizations as well as business entities; (2) the term "interest in real property" includes interests in berths at the Berkeley Marina regardless of when they expire; (3) the terms "non-profit organization" and "business entity" are limited to the jurisdiction in the same manner as the term "investment," i.e., they apply only if the non-profit organization, the business entity, or any parent, subsidiary or otherwise related entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business in the jurisdiction at any time during the two years prior to the time any statement or other action is required under this Code.

(b) Designated Positions with Reporting Requirements.

Elected officials, legislative assistants, members of boards and commissions appointed by the City Council, consultants and City employees holding designated positions shall be considered designated positions subject to reporting requirements under the Conflict of Interest Code, and shall disclose financial interests as set forth in the appendices listing individual disclosure categories.

Section 3. Filing of Statements

Persons holding designated positions shall file Statements of Economic Interests with the City of Berkeley on Fair Political Practices Commission forms, in conformance with the individual disclosure categories and State guidelines, when requested by the City Clerk. The City Clerk will retain custody of the statements and make the statements available for public inspection and reproduction. City Employees and Legislative Assistants in designated positions shall file electronic Statements of Economic Interests (e-file). The electronic filing will be the filing of record for City Employees and Legislative Assistants.

Section 4. Late Filings and Failure to File Statements

Any violation of any provision of this Code is subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000

et seq. The following additional regulations shall apply to City of Berkeley (a) employees, (b) legislative assistants, (c) members of boards and commissions appointed by the City Council, and (d) consultants:

a. City Employees:

If a City employee fails to e-file an Assuming Office or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, he or she shall be suspended without pay until such time as the required disclosure form has been e-filed. The employee's supervisor shall comply with the provisions of the appropriate Memorandum of Understanding or City of Berkeley Personnel Rules and Regulations in imposing such suspension, in addition, the City Clerk shall impose late filing fees in accordance with Government Code Section 91013 and 91013.5. Prior to resuming active employment with the City of Berkeley, all outstanding statements must be filed and any outstanding fine, payable under Government Code Section 91013, shall be paid. No person shall resume active employment with the City of Berkeley if there are outstanding statements or fines.

b. Legislative Assistants

If a legislative assistant fails to e-file an Assuming or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, the legislative assistant shall be terminated until such time as the required disclosure form has been e-filed, in addition, the City Clerk shall impose late filing fees in accordance with Government Code Sections 91013 and 91013.5. Prior to being reappointed by a Councilmember, all outstanding statements must be filed and any outstanding fine, payable under Government Code Section 91013, shall be paid. No person shall resume employment as a legislative assistant if there are outstanding statements or fines.

c. Members of Boards and Commissions:

If a member of any non-elected board or commission specified in the Code fails to file an Assuming Office Statement of Economic Interests within thirty days after their date of appointment, the commissioner's term shall expire. Similarly, if an Annual Statement of Economic Interests is not filed within thirty days after the City Clerk has given specific written notice of non-filing, the member's term on the commission shall expire. The City Clerk shall notify the commissioner that his/her term has expired and the appointing councilmember that a vacancy exists on the commission; in addition, the City Clerk shall impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

If the commissioner has not taken the Oath of Office and not attended any meetings, the commissioner is deemed not to have accepted the appointment and is not subject to filing obligations.

Prior to being reappointed to any commission, all outstanding filings for all commission appointments must be filed and any outstanding fines, payable under Government Code Section 91013, shall be paid. No person shall be appointed to any commission if there are outstanding statements or fines; and no person shall be appointed to any commission for a period of one year if terminated from any commission more than once for failure to file statements.

d. **Consultants:**

If a consultant, as defined in 2 Cal. Code Regs. Section 18701, fails to file any Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, he or she shall be advised by the City's project manager that no further payments shall be made by the City of Berkeley under the contract until such statement has been received by the City Clerk. The City Clerk shall also impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

Section 5. Interest and Positions in Non-Profit Organizations - Disclosure and Disqualification:

Whenever a disclosure category requires disclosure of specific financial interests or positions in business entities, disclosure of the equivalent financial interests or positions in non-profit organizations is required. Disqualification shall be required as to a disclosed interest or position in a non-profit organization whenever disqualification would have been required as a result of an equivalent financial interest or position in a business entity.

Section 6. Revisions to the City's Conflict of Interest Code

The City Clerk will review the City's Conflict of Interest Code on an annual basis and if changes are required will submit a revised code for Council approval, or if no changes are necessary so notify the City Council, by the applicable deadline specified in the Political Reform Act.

The foregoing Resolution was adopted by the Berkeley City Council on October 31, 2017 by the following vote:

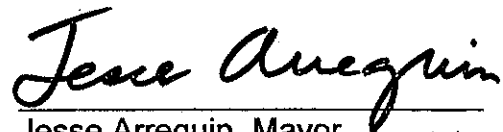
Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.

Attest:

  
Mark Numainville, City Clerk

  
Jesse Arreguin, Mayor

# Attachment C

## City of Palm Springs Municipal Code Chapter 2.60 Public Integrity

<b>Palm Springs Municipal Code</b>							
<b>Up</b>	<b>Previous</b>	<b>Next</b>	<b>Main</b>	<b>Collapse</b>	<b>Search</b>	<b>Print</b>	<b>No Frames</b>

Title 2 ADMINISTRATION AND PERSONNEL

## **Chapter 2.60 PUBLIC INTEGRITY\***

\* CodeAlert: This topic has been affected by Ordinance No. 1985. To view amendments and newly added provisions, please refer to the [CodeAlert Amendment List](#).

### **2.60.010 Findings and Purpose.**

(A) The City recognizes service by public officials in community and non-profit organizations takes place, and has an interest in ensuring that when public officials provide such service, that they are insulated from a negative public perception and/or any allegation that a conflict of interest impairs their fulfillment of their duty to the City.

(B) Not all interests that create a conflict for public officials are financial in nature. To limit the impact of non-financial conflicts of interest upon public service in the City, the City Council has proscribed participation in making of governmental decisions by officials who have non-economic conflicts of interest reflected in this Chapter.

(C) Non-economic conflicts of interest arise when officials owe a legal duty to another person or organization and from rented or leased real property interests.

(D) Applicants for City approvals are sometimes not natural persons. To ensure the avoidance of conflicts of interest by public officials, in the instance of an applicant that is not a natural person, the City should receive disclosure of the applicant's status and identity, including disclosure by the applicant of officers, directors, members, or managers.

(E) Officials have significant duties under applicable law with respect to the detection and disclosure of conflicts of interest. Applicants for City approvals have information about their ownership, executives, and management that will assist City officials in evaluating their potential conflicts of interest. An applicant's duty to disclose should ensure that City officials know the identities of all persons who hold significant positions in the applicant entity (e.g., officers, directors, managers, members, etc.), or in any related entity that owns an interest in, or derives profits from the applicant entity's operation, and also persons who own a beneficial interest in any such entity that allows the transfer or voting representation of five percent (5%) of the entity.

(F) The City acknowledges that the interest of a public official who is a renter or lessor of real property, whether as a residence, a place of business or an investment, has the potential in many, if not all instances, to create a conflict of interest for that official with respect to applications involving a second real property that will arguably create impacts upon the vicinity of the property rented or leased by the official.

(G) The City's residents do not elect the members of the Planning Commission, and Planning Commission actions often do not attract the degree of attention in the community inherent to City Council consideration of a matter. That said, Planning Commission decisions are final in many matters of significance. A Planning Commission action should not become "final" before the public enjoys the benefit of City Council and public awareness of the Planning Commission action in question. Further, Planning Commission decisions being available for public review on the City's website supports a transparency of planning action that the City desires.

(H) The City's residents have a right to know the identity of interests that attempt to influence decisions of City government, as well as the means employed by those interests. Equity and transparency demand that all lobbyists register with the City be subject to the same regulations, restrictions and

requirements, regardless of their respective backgrounds, training, professional qualifications, or licensure. Only complete and truthful disclosure by lobbyists serves these goals.

(I) The City Council acknowledges and finds legal significance in the interest that renters and people who lease real property have in regulations and events in their community. Renters and people who lease property must have the same opportunity as property owners to address matters before the City Council and the City's boards and commissions. In order to have that opportunity, the City must provide legal notices to renters and persons who lease real property in the same manner that it provides legal notices to property owners. (Ord. 1964 § 1, 2018; Ord. 1953 § 1, 2018)

### **2.60.020 Definitions.**

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As used in this Chapter, the following definitions shall apply:

“Act” means the Political Reform Act of 1974 as it has been and may be amended from time to time.

“Applicant” means a person or entity that applies for a City approval determined by a vote of City officials.

“Application” means the application filed or presented by an applicant to the City.

“Business Day” means a day of the week when city hall for the City of Palm Springs is open for public business.

“Form 700” means the statement of economic interests filed by an official with the California Fair Political Practices Commission and/or the city clerk, whether pursuant to Government Code Section 87200 or the local conflict of interest code.

“Lobbyist” means any individual who is employed, retained or contracts for economic consideration to communicate with any official or any employee of the City of Palm Springs for the purpose of influencing a legislative or administrative action. Lobbying shall not include communication with an official or employee when the communicator is not compensated for his/her efforts to influence per se.

“Material Change of Interest” means an official assumes, is assigned, resigns, is terminated, purchases or sells, or otherwise comes to possess or forfeit an interest identified in Section 2.60.040.

“Official” means every elected or appointed official who serves on the City Council or on any appointive board or commission of the City, whether under the Charter or this Code, the City Manager and the City Attorney. An official's elected or appointed status has no bearing upon the applicability of this Chapter except as specifically stated.

“Planning Commission” means the body defined by Section 607 of the charter of the City and Chapter 2.29 of this Code. (Ord. 1964 § 2, 2018; Ord. 1953 § 1, 2018)

### **2.60.030 Application of Chapter.**

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(A) The provisions of this Chapter shall apply generally to all applicants, officials, and to all actions by the Planning Commission.

(B) This Chapter supplements, complements, and is cumulative to state law, imposing duties of disclosure and disqualification upon officials beyond those codified in the Act and the regulations adopted pursuant thereto, and shall be strictly construed.

(C) When the requirements of this Chapter conflict with any other provision contained elsewhere in this Code, or any regulation or requirement adopted by the City, or in state law, the most restrictive, affirmatively demanding, or punitive requirement shall prevail. (Ord. 1953 § 1, 2018)

### **2.60.040 Duties of Officials.**

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(A) Every official shall disclose each and all of his/her interests, wherein he/she serves as a voting member of a board of directors or other governing body of a non-profit entity without compensation, as a currently retained attorney or accountant for such an entity who provides *pro bono* services, or as the trustee of a charitable trust. The disclosure shall be on a written form prepared, maintained and amended as deemed appropriate by the city clerk. The disclosure of these interests shall be executed under penalty of perjury under the laws of the state, and shall be filed with the city clerk at or before the end of the first business day of the month of April.

(B) With the sole exception of real property used as a primary residence, every official shall disclose each and all of his/her rented or leased interests in real property located in the City. The disclosure shall be on a written form prepared, maintained and amended as deemed appropriate by the city clerk. In the case of an official's rental or leasing of his/her primary residence, that official shall disclose the fact of that rental or leasing agreement, but need not disclose the address of the real property in question. The disclosure of rented or leased interests in real property shall be executed under penalty of perjury under the laws of the state, and shall be filed with the city clerk at or before the end of the first business day of the month of April.

(C) In the event that any official experiences a material change of interest after filing a form pursuant to subdivision (A) or (B) of this section 2.60.040, or as to any interest identified in that official's most recent Form 700, but before the upcoming annual filing date of a new form, the official in question shall file an amendment to the form on file with the city clerk within thirty (30) days of the end of any quarter during which the official in question is subject to the material change of interest.

(D) In the event that an official serves an applicant as a voting member of a board of directors or other governing body of a non-profit entity without compensation, as a currently retained attorney or accountant for such an entity who provides *pro bono* services, or as the trustee of a charitable trust, that official shall not vote upon, or advocate a particular result or outcome with respect to any application by that applicant. For purposes of this subdivision (D) and subdivision (E) of section 2.60.040, "advocating a particular result or outcome with respect to an application" means influencing, encouraging, or attempting to influence or encourage any other individual official to vote, or be more disposed to vote, in a particular manner with respect to an application. Such an official shall disclose the nature of his/her interest related to the applicant on the record of each proceeding before him/her in the action in question, and recuse himself/herself from voting with respect to said action.

(E) In the event that an official rents or leases real property located within five hundred (500) feet of any real property that is the subject of an application, that official has a non-financial conflict of interest under this Chapter, and shall not vote upon, or advocate a particular result or outcome with respect to the application in question. Neither the term, nor whether the lease or rental agreement is in writing has any bearing upon the applicability of this section 2.60.040(E). Any official with a conflict hereunder shall disclose the nature of his/her rented or leased real property interest on the record of each proceeding before him/her in the action in question, and recuse himself/herself from voting upon the action in question.

(F) There shall be no conflict of interest requiring disclosure or disqualification under this Chapter in relation to an official's service on any board, commission, or other body, provided that the official in question is appointed to the service in question by the City Council.

(G) An official who has a non-financial conflict of interest as defined in this section 2.60.040 does not have the duty to leave the room when an action wherein he/she has the conflict in question is considered. (Ord. 1964 § 3, 2018; Ord. 1953 § 1, 2018)

### **2.60.050 Duties of Applicants.**

(A) Every applicant that is not an individual natural person, or comprised exclusively of natural persons with no outside investors, must disclose to the City the identity of each natural person who holds or occupies a significant position with respect to that applicant entity, or any entity that owns an interest or

derives profits in relation to the applicant entity, e.g., a sub-entity, a parent company, an affiliate, etc. In addition, every applicant must disclose to the City the identity of each owner or investor of any disclosed entity who owns a beneficial interest of five percent (5%) or more of the entity in question.

(B) Each applicant shall file a written disclosure consistent with section 2.60.050(A) with the City. Disclosure pursuant to section 2.60.050(A) shall be made at the time when an applicant files its application, on a form approved by the City Clerk, and maintained and provided to the applicant by the City.

(C) For purposes of section 2.60.050(A), "significant position" shall be defined as follows: (i) officers and directors (in the instance of a corporation), (ii) members and managers (in the instance of a limited liability company), (iii) partners (in the case of partnerships), or (iv) trustees and other fiduciaries (in the instance of a trust or another form of organization).

(D) In the event that an applicant fails to comply with section 2.60.050(A), the application of the applicant in question shall be deemed incomplete for all purposes, and the City shall not process or in any way consider the application of the applicant in question.

(E) A condition precedent to the initiation of any action by an aggrieved applicant pursuant to subdivision (D) of section 2.60.070 shall be the filing with the city clerk of a written notice of the aggrieved applicant's intent to file a petition for relief consistent therewith. The written notice shall state with particularity the nature of the violation of this Chapter alleged by the aggrieved applicant, and provide the City with not less than ten (10) business days during which the City may cure the alleged violation. No right pursuant to subdivision (D) of section 2.60.070 shall exist until the passage of the entire period to cure pursuant hereto. (Ord. 1964 § 4, 2018; Ord. 1953 § 1, 2018)

#### **2.60.060 Mandate re Notices to Tenants.**

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(A) Notices of public hearing and all legal notices of required by state law or this Code for issuance to owners of real property in a specified area within the City shall instead be issued to all owners and tenants of real property in that area.

(B) The City shall have the duty to comply with this section 2.60.060 to the greatest extent practicable, but a failure by the City to issue any notice, or a failure of any person or entity to receive notice given pursuant hereto shall not limit the authority of the City to take any action, or constitute grounds for any court to invalidate any action of the City in relation to the flawed notice.

(C) The City shall take all steps necessary to affect full implementation of this section 2.60.060 on or before December 31, 2018, and this subdivision (C) shall be repealed on January 1, 2019. (Ord. 1964 § 5, 2018)

#### **2.60.070 Planning Commission Action, City Processing.**

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(A) The City shall not deem "final" any action by the Planning Commission, which action represents the ultimate and determinative action by the City with respect to any application, and is not subject to mandatory review by the City Council unless and until the date that is ten (10) days after the date when (i) the City Council has received written notice of the Planning Commission action in question, and (ii) the City has posted written notice of the Planning Commission action in question on the City's website.

(B) The planning director and the city clerk shall at all times use and apply their best efforts to affect and ensure the City's prompt compliance with subdivision (A) of this section 2.60.070.

(C) No applicant may rely or make any application based upon a Planning Commission action as being "final" and binding upon the City unless and until the date that is ten (10) days after notice has been received by the City Council and posted on the City website pursuant to subdivision (A) of this section 2.60.070.



(D) Any applicant aggrieved and alleging a City failure to provide and/or post notice pursuant to subdivision (A) of this section 2.60.070, and a corresponding lack of finality with respect to a particular Planning Commission action, shall have the right, commencing on the ninetieth (90th) day after the Planning Commission action in question, to seek a writ of mandate in the Superior Court of the State of California, County of Riverside, Palm Springs courthouse, declaring the Planning Commission action to be final and binding upon the City. (Ord. 1953 § 1, 2018)

#### **2.60.080 Registration of Lobbyists.**

(A) Prior to conducting any activities for the purpose of influencing any action by the City of Palm Springs, any lobbyist shall register with the City Clerk by filing a written statement containing:

1. The lobbyist's full name, business address and telephone number;
2. The name, business address and telephone number of any individual or entity by whom the lobbyist is employed or with whom he or she contracts to perform lobbying services in the city; and
3. A description of the subject matter of the lobbyist's engagement.

(B) The City Clerk shall make a copy of all lobbyist registrations available to the public on the City's website.

(C) Lobbyists engaged by the City shall not be exempt from the requirements of this Chapter.

(D) Within thirty (30) days of the City's engagement of a lobbyist, a staff report memorializing the engagement will be presented to the City Council at a public meeting in a report to be received and filed in the administrative record of the meeting in question. (Ord. 1964 § 6, 2018)

#### **2.60.090 Mandatory Verbal Disclosure by Lobbyists and Registration Equivalents.**

(A) Any lobbyist appearing at any City public meeting who has not registered in compliance with Section 2.60.080(A) must verbally state all information required by that Section prior to speaking. A registered lobbyist must verbally state that he/she is a registered lobbyist with a registration filed in the office of the City Clerk, and identify the party that employs him/her as such. The time consumed by the verbal disclosure required by this Section 2.60.090(A) shall not be counted against the time allotted to the lobbyist in question as a speaker at the public meeting in question.

(B) A lobbyist is deemed to be registered with the City Clerk or to have amended his/her registration with the City Clerk if he or she has otherwise provided the City of Palm Springs in writing with the information required by Section 2.60.080, or has complied with Section 2.60.090(A), and filed the appropriate registration or amendment within ten (10) days after the public meeting in question. (Ord. 1964 § 6, 2018)

#### **2.60.100 Lobbyist Registration—Fee.**

The City Clerk may charge a fee for filing, amending and/or renewal of a registration, the amount of which shall be determined by resolution of the City Council. (Ord. 1964 § 6, 2018)

#### **2.60.110 Lobbyist Registration—Time.**

Every lobbyist required to file a registration statement under this Chapter shall register with the City Clerk no later than ten (10) days after being engaged as a lobbyist, and shall renew the registration annually as required in Section 2.60.120. (Ord. 1964 § 6, 2018)

#### **2.60.120 Lobbyist Registration—Renewal Time.**

Registration shall be renewed with the City Clerk on an annual basis between May 21st and June 1st of each year. Registration shall be valid for one (1) year. (Ord. 1964 § 6, 2018)

#### **2.60.130 Amendment of Lobbyist Registration Information.**

If any change occurs concerning any of the information required by Section 2.60.080, the lobbyist shall file an amendment reflecting the change within ten (10) days of the change. (Ord. 1964 § 6, 2018)

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**2.60.140 Notice of Termination.**

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Lobbyists may file a notice of termination with the City Clerk within ten (10) days after ceasing all activity which required registration. (Ord. 1964 § 6, 2018)

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**2.60.150 Post-Employment Lobbying.**

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(A) Members of the City Council, the City Manager, the City Attorney, and all City department heads are “designated employees and officials” for purposes of this section.

(B) Designated employees and officials shall not, for a period of one (1) year after leaving that office or employment, act as a lobbyist on behalf of any other person or entity, when making any formal or informal appearance before, or when making any oral or written communication to, the City Council or any committee, subcommittee, board, commission, or any present member thereof, or any officer or employee of the City.

(C) A member of any of the City’s appointed boards and/or commissions shall not, for a period of one (1) year after leaving that appointment, act as a lobbyist on behalf of any other person or entity, when making any formal or informal appearance before, or when making any oral or written communication to the board and/or commission of which he/she was a member, or to any present member of that board and/or commission.

(D) Sections 2.60.150(B) and 2.60.150(C) shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, employee, or representative of another local government agency, a public agency, or a non-profit organization, and is appearing or communicating on behalf of that agency or organization. (Ord. 1964 § 6, 2018)

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**2.60.199 Violations and Enforcement.**

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(A) Upon verification by the City Attorney or his/her designee of an official failing to make a disclosure under this Chapter, an official shall have thirty (30) days, after notification by the city clerk in writing of any alleged failure to disclose, during which he/she may correct the violation related to that failure to disclose. The correction shall consist of a verbal disclosure at the next public meeting of the legislative body of which the official in question is a member. Provided that an official makes proper disclosure during that thirty (30) day period with respect to his/her first disclosure violation within any period of twelve (12) months, that official shall not be subject to any enforcement by the City, pursuant to subdivision (C) of this section 2.60.199, as to the violation in question.

(B) Upon verification by the City Attorney or his/her designee of an official failing to properly recuse himself/herself under this Chapter, and after notification by the city clerk in writing of any alleged failure to disqualify, the City Attorney or his/her designee shall prepare and present a staff report to the City Council, not less than thirty (30) days after such notification, which report shall describe with particularity the failure to disqualify in question. That staff report shall be received and filed at the City Council’s first public meeting after the passage of this thirty (30) day post-notification period, as a consent calendar item. No official shall be subject to any enforcement by the City, pursuant to subdivision (C) of this section 2.60.199, with respect to his/her first disqualification violation within any period of twelve (12) months.

(C) An official who violates a provision of this Chapter and is subject to City enforcement pursuant to subdivision (A) or subdivision (B) of this section 2.60.199 is subject to administrative penalties pursuant to Chapters 1.01 and 1.06 of this Code, but not subject to any civil action or criminal penalty.

(D) An action upon an application taken by the City Council or any appointed board or commission, wherein an official has a non-financial conflict of interest under this Chapter but fails to disclose the existence

and nature of that conflict, remains valid and enforceable for all purposes notwithstanding any violation of this Chapter. (Ord. 1964 § 7, 2018; Ord. 1953 § 1, 2018)


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# Attachment D

November 7, 2016 City  
Council Staff Report  
Regarding Amendments to  
the City's Lobbyist  
Regulations

NOVEMBER 7, 2016

SUBJECT:           **AMENDMENTS TO CITY'S LOBBYIST REGULATIONS**  
INITIATED BY:   **MAYOR LAUREN MEISTER**  
                      **MAYOR PRO TEMPORE JOHN HEILMAN**  
PREPARED BY:   Andi Lovano, Project Development Administrator 

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**STATEMENT ON THE SUBJECT:**

The City Council will consider directing the City Attorney to draft an ordinance to prohibit campaign consultants from serving as lobbyists.

**RECOMMENDATION:**

Direct the City Attorney to draft an ordinance prohibiting campaign consultants, including individuals or entities who participate in campaign management or in the development of campaign strategy, from serving as lobbyists.

**BACKGROUND / ANALYSIS:**

This item was originally brought before the City Council on October 17, 2016, but was tabled for further discussion until the following meeting.

In recent years, the City has adopted various ethics reform initiatives meant to increase transparency, promote integrity, and further the City's commitment to open and fair government. This item builds on those proposals by directing the City Attorney to draft an ordinance to prohibit campaign consultants, including individuals or entities who participate in campaign management or in the development of campaign strategy, from serving as lobbyists.

As defined in the West Hollywood Municipal Code, a lobbyist is "any individual who is employed, retained or contracts for economic consideration to communicate with any elective official or any officer or employee of the City of West Hollywood for the purpose of influencing a legislative or administrative action." State law does not regulate individuals or entities that lobby cities or other local government agencies. However, cities may regulate lobbyists appearing before city boards and agencies, if regulations are consistent with the First Amendment. The City currently requires lobbyists to register with the City Clerk. The City also has an ordinance to address "revolving door" politics, by which former members of the City Council and their deputies, members of the Planning Commission, department heads, and division managers, are prohibited from serving as lobbyists for a period of one year after leaving that office or employment.

Another type of "revolving door" lobbyist is one who was previously a campaign consultant for a City Councilmember. Campaign consultants give political and strategic advice to City Council candidates and forge strong relationships with those candidates. A lobbyist can help a candidate get elected and then lobby that same Councilmember on behalf of a developer or other client. Unlike the former elected officials or staff who must wait at least one year before lobbying, there is no regulation on campaign consultants. This "revolving door" between doing campaign work and lobbying is unrestricted and creates the appearance of impropriety.

In April 2015, the City Council convened an Ethics Reform Task Force to review the City's ethics laws and regulations, seek input from the community, and recommend any revisions or reforms the Task Force deemed warranted or desirable. The four key issue areas identified by the City Council for the Ethics Reform Task Force to evaluate were: Government Ethics, Campaign Finance, Lobbyists Regulation and Revolving Door Ordinance, and Enforcement. Prohibiting campaign consultants from serving as lobbyists was a topic that was discussed by the Ethics Reform Task Force, but no recommendation on the topic was presented to the City Council.

#### Lobbyist Regulation in Other Jurisdictions

The Center for Public Integrity found that increasingly throughout the country, campaign consultants are turning to lobbying once the elections are over, or lobbyists dip in and out of campaign activity to increase business year round. Several jurisdictions have passed or attempted to pass regulations to address this issue.

#### **San Francisco, CA**

In order to protect public confidence in the electoral and governmental processes and to prohibit campaign consultants from exploiting or appearing to exploit their influence with City officials on behalf of private interests, the City and County of San Francisco adopted comprehensive lobbyist regulations. San Francisco's Campaign and Governmental Conduct Code prohibits campaign consultants from becoming lobbyists. Article II, Chapter 1, Section 2.117 reads:

No campaign consultant, individual who has an ownership interest in the campaign consultant, or an employee of the campaign consultant shall communicate with any officer of the City and County who is a current or former client of the campaign consultant on behalf of another person or entity (other than the City and County) in exchange for economic consideration for the purpose of influencing local legislative or administrative action.

The Ordinance prohibits campaign consultants from lobbying current clients or clients they advised in the last five years.

#### **Portland, Oregon**

In order to improve transparency, the Portland City Council passed an ordinance in April 2016 to require reporting by City elected officials and certain political consultants. The ordinance requires political consultants to register within 15 calendar days of providing consultant services to a City elected official, a successful candidate for City office, or a campaign committee. In the disclosure information, the campaign consultant must provide the date services began and, upon completion, a notice of termination of services.

The issue surfaced in Portland when a well-known campaign consultant who advised three of the City Council's five members, lobbied City Hall on behalf of ride-hailing company Uber, giving some in the community the perception of a conflict of interest.

### **Los Angeles, CA**

Like San Francisco, the cities of San Diego, Oakland, and Los Angeles have Ethics Commissions. The Los Angeles Ethics Commission administers and enforces City and state laws relating to campaign financing, governmental ethics, conflicts of interests, and lobbying in order to promote elections and government decisions that are fair, transparent, and accountable.

The City's lobbying ordinance requires certain individuals and entities to register with the Ethics Commission and to publicly disclose their lobbying activities, including money received and spent. In addition, Los Angeles maintains a prohibition against lobbyists serving on City Commissions whose members are required to file financial disclosure statements.

### **Alternatives**

If the City Council should choose to consider alternative recommendations, possible alternatives include:

- Direct the City Attorney to draft an ordinance to prohibit a campaign consultant from serving as a lobbyist during the time they are participating in campaign work and for at least four years after the election.
- Direct the City Attorney to draft an ordinance to prohibit a campaign consultant from serving as a lobbyist during the time they are participating in campaign work and for at least two years after the election.
- Direct the City Attorney to draft an ordinance to require a City Councilmember to recuse him or herself if the issue at hand involves a lobbyist who was the Councilmember's campaign consultant in the previous election or is a campaign consultant for an incumbent candidate in an upcoming election.

## **CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:**

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

OSP-2: Institutional Integrity.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- G-2: Maintain transparency and integrity in West Hollywood's decision-making process.

**EVALUATION PROCESSES:**

N/A.

**ENVIRONMENTAL SUSTAINABILITY AND HEALTH:**

N/A.

**COMMUNITY ENGAGEMENT:**

N/A.

**OFFICE OF PRIMARY RESPONSIBILITY:**

ADMINISTRATIVE SERVICES DEPARTMENT / CITY CLERK DIVISION

**FISCAL IMPACT:**

None at this time.



# Attachment E

## City of San Francisco Municipal Code “Regulation of Lobbyists”

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**ARTICLE II:  
LOBBYING**

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**Chapter****1. REGULATION OF LOBBYISTS**

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**CHAPTER 1:  
REGULATION OF LOBBYISTS**

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- Sec.  
2.100. Findings.
- Sec.  
2.103. Amendment or Repeal.
- Sec.  
2.105. Definitions.
- Sec.  
2.106. Lobbying Contacts.
- Sec.  
2.107. No Conflict with State Bar Act.
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2.110. Registration and Disclosures; Fees; Termination of Registration.
- Sec.  
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- Sec.  
2.116. Lobbyist Training.
- Sec.  
2.117. Lobbying by Campaign Consultants.
- Sec.  
2.120. Employment of City and County Officers or Employees; Appointment of Employee to City and County Office.
- Sec.  
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- Sec.  
2.135. Filing Under Penalty of Perjury; Retention of Documents; Audits.
- Sec.  
2.136. False Information; Duty to Cooperate and Assist.
- Sec.  
2.140. Powers and Duties of the Ethics Commission.
- Sec.  
2.145. Administrative and Civil Enforcement and Penalties.

Sec. Limitation of Actions.

2.150.

Sec. Severability.

2.155.

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### SEC. 2.100. FINDINGS.

(a) The Board of Supervisors finds that public disclosure of the identity and extent of efforts of lobbyists to influence decision-making regarding local legislative and administrative matters is essential to protect public confidence in the responsiveness and representative nature of government officials and institutions. It is the purpose and intent of the Board of Supervisors to impose reasonable registration and disclosure requirements to reveal information about lobbyists' efforts to influence decision-making regarding local legislative and administrative matters.

(b) To increase public confidence in the fairness and responsiveness of governmental decision making, it is the further purpose and intent of the people of the City and County of San Francisco to restrict gifts, campaign contributions, and bundled campaign contributions from lobbyists to City officers so that governmental decisions are not, and do not appear to be, influenced by the giving of personal benefits to City officers by lobbyists, or by lobbyists' financial support of City officers' political interests.

(c) Corruption and the appearance of corruption in the form of campaign consultants exploiting their influence with City officials on behalf of private interests may erode public confidence in the fairness and impartiality of City governmental decisions. The City and County of San Francisco has a compelling interest in preventing corruption or the appearance of corruption which could result in such erosion of public confidence. Prohibitions on campaign consultants lobbying current and former clients will protect public confidence in the electoral and governmental processes. It is the purpose and intent of the people of the City and County of San Francisco in enacting this Chapter to prohibit campaign consultants from exploiting or appearing to exploit their influence with City officials on behalf of private interests.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 28-04, File No. 031656, App. 2/20/2004; Ord. 235-09, File No. 090833, App. 11/10/2009; Prop. T, App. 11/8/2016, Oper. 1/1/2018)

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### SEC. 2.103. AMENDMENT OR REPEAL.

With respect to any provisions of this Chapter regarding regulation of expenditure lobbyists, registration requirements, amendment of registration information and monthly disclosures, or restrictions on gifts, campaign contributions, or bundled campaign contributions from lobbyists, approved by the voters, the Board of Supervisors may amend those provisions if all of the following conditions are met:

(a) The amendment furthers the purposes of this Chapter;

(b) The Ethics Commission approves the proposed amendment in advance by at least a four-fifths vote of all its members;

(c) The proposed amendment is available for public review at least 30 days before the amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors; and

(d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of all its members.

(Added by Prop. C, App. 11/3/2015, Oper. 2/1/2016; Prop. T, App. 11/8/2016, Oper. 1/1/2018)

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### SEC. 2.105. DEFINITIONS.

Whenever used in this Chapter 1, the following words and phrases shall be defined as provided in this Section 2.105:

"Activity expenses" means any expense incurred or payment made by a lobbyist or a lobbyist's client at the behest of the lobbyist, or arranged by a lobbyist or a lobbyist's client at the behest of the lobbyist, which benefits in whole or in part any: officer of the City and County; candidate for City and County office; aide to a member of the Board of Supervisors; or member of the immediate family or the registered domestic partner of an officer, candidate, or aide to a member of the Board of Supervisors. An expense or payment is not an "activity expense" unless it is incurred or made within three months of a contact with the officer, candidate, or Supervisor's aide who benefits from the expense or payment, or whose immediate family member or registered domestic partner benefits from the expense or payment. "Activity expenses" include honoraria, consulting fees, salaries, and any other thing of value totaling more than \$25 in value in a consecutive three-month period, but do not include political contributions.

Agency shall mean a unit of City government that submits its own budget to the Mayor and Board of Supervisors pursuant to Article IX of the City Charter.

"Candidate" shall have the same meaning as set forth in Section 1.104 of this Code.

"Client" means the person for whom lobbyist services are performed by a lobbyist.

"Committee" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000, *et seq.*

"Contact lobbyist" means any individual who (1) makes five or more contacts in a calendar month with officers of the City and County on behalf of the individual's employer; or (2) makes one or more contacts in a calendar month with an officer of the City and County on behalf of any person who pays or who becomes obligated to pay the individual or the individual's employer for lobbyist services. An individual is not a contact lobbyist if that individual is lobbying on behalf of a business of which the individual owns a 20% or greater share.

"Contribution" shall have the same meaning as set forth in the California Political Reform Act, California Government Code Section 31000, *et seq.*

"Controlled committee" shall have the same meaning as set forth in Section 1.104 of this Code, but shall not include any state committees.

"Dependent child" shall mean a child or stepchild of a public official, who is under 18 years old and whom the official is entitled to claim as a dependent on his or her federal tax return.

"Economic consideration" means any payments, fees, reimbursement for expenses, gifts, or anything else of value, provided that "economic consideration" does not include salary, wages or benefits furnished by a federal, state or local government agency.

"Employee" means any person who receives, reasonably expects to receive, or whose employer is obligated to provide, an Internal Revenue Service Form W-2 wage and tax statement.

"Employer" means any person who provides an Internal Revenue Service Form W-2 wage and tax statement to an employee who performs lobbyist services on behalf of that person.

"Expenditure lobbyist" means any person, other than any government entity, or officer or employee of a government entity acting in an official capacity, who, directly or indirectly, makes payments totaling \$2,500 or more in a calendar month to solicit, request, or urge other persons to communicate directly with an officer of the City and County in order to influence local legislative or administrative action. Examples of the types of activities the payment for which can count toward the \$2,500 threshold referred to in the previous sentence include but are not limited to public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, and studies to the extent those activities are used to further efforts to solicit, request or urge other persons to communicate directly with an officer of the City and County. The following types of payments shall not be considered for the purpose of determining whether a person is an expenditure lobbyist: payments made to a registered contact lobbyist or the registered contact lobbyist's employer for lobbyist services; payments made to an organization for membership dues; payments made by an organization to distribute communications to its members; payments made by a news media organization to develop and distribute its publications; and payments made by a client to a representative to appear in an adjudicatory proceeding before a City agency or department.

"Gift" shall be defined as set forth in the Political Reform Act, Government Code Section 81000 *et seq.*, and the regulations adopted hereunder.

"Gift of travel" shall mean payment, advance, or reimbursement for travel, including transportation, lodging, and food and refreshments connected with the travel.

"Lobbyist" means a contact lobbyist or expenditure lobbyist.

"Lobbyist services" means services rendered for the purpose of influencing local legislative or administrative action, including but not limited to contacts with officers of the City and County of San Francisco.

"Local legislative or administrative action" includes, but is not limited to, the drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting or denial by any officer of the City and County of any resolution, motion, appeal, application, petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement to use or contract.

"Measure" shall have the same meaning as set forth in Section 1.104 of this Code.

"Officer of the City and County" means any officer identified in Section 3.203 of this Code, as well as any official body composed of such officers. In addition, for purposes of this Charter, "Officer of the City and County" includes (1) members of the Board of

Education, Community College Board, Executive Commission, Law Library Board of Trustees, Local Agency Formation Commission, Health Authority Board, Housing Authority Commission, Parking Authority, Relocation Appeals Board, Successor Agency to the former Redevelopment Agency of the City and County of San Francisco, Oversight Board of the Successor Agency, Successor Agency Commission, Transportation Authority, Workforce Investment San Francisco Board as well as any official body composed of such officers, and any person appointed as the chief executive officer under any such board or commission; (2) the Zoning Administrator, (3) the City Engineer, (4) the County Surveyor, and (5) the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping.

"Person" means an individual, partnership, corporation, association, firm, labor union or other organization or entity, however organized.

"Public event" shall mean an event or gathering that any member of the public may attend, has been publicly announced and publicized in advance, and for which there is no admission cost or fee.

"Public hearing" means any open, noticed proceeding.

"State committee" shall mean a committee formed to support or oppose candidates for state office or state ballot measures.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 280-08, File No. 081285, App. 12/5/2008; Ord. 235-09, File No. 090833, App. 11/10/2009; Ord. 98-14, File No. 130374, App. 6/26/2014, Eff. 7/26/2014; Prop. C, App. 11/3/2015, Oper. 2/1/2016; Prop. T, App. 11/8/2016, Oper. 1/1/2018)

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## **SEC. 2.106. LOBBYING CONTACTS.**

(a) Whenever used in this Chapter 1, "contact" means any communication, oral or written, including communication made through an agent, associate or employee, for the purpose of influencing local legislative or administrative action, except as provided in Subsections (b) and (c).

(b) The following activities are not "contacts" within the meaning of this Chapter 1.

(1) A representative of a news media organization gathering news and information or disseminating the same to the public, even if the organization, in the ordinary course of business, publishes news items, editorials or other commentary, or paid advertisements, that urge action upon local legislative or administrative matters;

(2) A person providing oral or written testimony that becomes part of the record of a public hearing; provided, however, that if the person making the appearance or providing testimony has already qualified as a contact lobbyist under this Chapter and is appearing or testifying on behalf of a client, the contact lobbyist's testimony shall identify the client on whose behalf the contact lobbyist is appearing or testifying;

(3) A person performing a duty or service that can be performed only by an architect or a professional engineer licensed to practice in the State of California;

(4) A person making a speech or producing any publication or other material that is distributed and made available to the public, through radio, television, cable television, or other medium of mass communication;

(5) A person providing written information in response to an oral or written request made by an officer of the City and County, provided that the written information is a public record available for public review;

(6) A person providing oral or written information pursuant to a subpoena, or otherwise compelled by law or regulation;

(7) A person submitting a written petition for local legislative or administrative action, provided that the petition is a public record available for public review;

(8) A person making an oral or written request for a meeting, or any other similar administrative request, if the request does not include an attempt to influence local legislative or administrative action;

(9) A person appearing before an officer of the City and County pursuant to any procedure established by law or regulation for levying an assessment against real property for the construction or maintenance of an improvement;

(10) A person providing purely technical data, analysis, or expertise in the presence of a contact lobbyist;

(11) A person distributing to any officer of the City and County any regularly published newsletter or other periodical which is not primarily directed at influencing local legislative or administrative action;

(12) A person disseminating information or material on behalf of an organization or entity to all or a significant segment of the organization's or entity's employees or members;

(13) A person appearing as a party or a representative of a party in an administrative adjudicatory proceeding before a City agency or department;

(14) A person communicating, on behalf of a labor union representing City employees, regarding the establishment, amendment, or interpretation of a collective bargaining agreement or memorandum of understanding with the City, or communicating about a management decision regarding the working conditions of employees represented by a collective bargaining agreement or a memorandum of understanding with the City;

(15) A party or prospective party to a contract providing oral or written information in response to a request for proposals, request for qualifications, or other similar request, provided that the information is directed to the department or official specifically designated in the request to receive such information; negotiating the terms of the contract with the City after being selected to enter into the contract; or communicating in connection with the administration of an existing contract between the party and the City. For the purposes of this subsection (b)(15):

(A) A "party or prospective party" includes that party's officers or employees; a subcontractor listed in the contract, bid, or proposal; or that subcontractor's officers or employees. A "party or prospective party" does not include any other agent or associate, including any outside consultant or independent contractor.

(B) Communication "in connection with the administration of an existing contract" includes, but is not limited to, communication regarding: insurance and bonding; contract performance and/or default; requests for in-scope change orders; legislative mandates imposed on contractors by the City and County; payments and invoicing; personnel changes; prevailing wage verification; liquidated damages and other penalties for breach of contract; audits; assignments; and subcontracting. Communication "in connection with the administration of an existing contract" does not include communication regarding new contracts, or out-of-scope change orders.

(16) An officer or employee of a nonprofit organization or an organization fiscally sponsored by such a nonprofit organization communicating on behalf of their organization. For purposes of this subsection only, "nonprofit organization" means either an organization with tax exempt status under 26 United States Code Section 501(c)(3), or an organization with tax exempt status under 26 United States Code Section 501(c)(4) whose most recent federal tax filing included an IRS Form 990-N or an IRS Form 990-EZ, or an organization whose next federal tax filing is reasonably likely to include an IRS Form 990-N or an IRS Form 990-EZ.

(c) The following activities are not "contacts" for the purpose of determining whether a person qualifies as a contact lobbyist, but are "contacts" for purpose of disclosures required by this Chapter 1:

(1) A person providing oral information to an officer of the City and County in response to an oral or written request made by that officer;

(2) A person making an oral or written request for the status of an action; and

(3) A person participating in a public interested persons meeting, workshop, or other forum convened by a City agency or department for the purpose of soliciting public input.

(Added by Ord. 98-14, File No. 130374, App. 6/26/2014, Eff. 7/26/2014; amended by Prop. C, App. 11/3/2015, Oper. 2/1/2016)

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## **SEC. 2.107. NO CONFLICT WITH STATE BAR ACT.**

Nothing in this Chapter is intended to regulate attorneys engaged in the practice of law under the California State Bar Act, Business and Professions Code sections 6000 *et seq.*

(Added by Ord. 98-14, File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

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## **SEC. 2.110. REGISTRATION AND DISCLOSURES; FEES; TERMINATION OF REGISTRATION.**

(a) **REGISTRATION OF LOBBYISTS REQUIRED.** Lobbyists shall register with the Ethics Commission and comply with the disclosure requirements imposed by this Chapter 1. Such registration shall occur no later than five business days of qualifying as a lobbyist. Contact lobbyists shall register prior to making any additional contacts with an officer of the City and County of San Francisco and expenditure lobbyists shall register prior to making any additional payments to influence local legislative or administrative action.

(b) **REGISTRATION.**

(1) **Contact lobbyists.** At the time of initial registration each contact lobbyist shall report to the Ethics Commission the following information:

- (A) The name, business address, e-mail address, and business telephone number of the lobbyist;
- (B) The name, business address, and business telephone number of each client for whom the lobbyist is performing lobbyist services;
- (C) The name, business address, and business telephone number of the lobbyist's employer, firm or business affiliation;
- (D) Each agency that the contact lobbyist has attempted, will attempt, or may attempt to influence on behalf of any client; and
- (E) Any other information required by the Ethics Commission through regulation, consistent with the purposes and provisions of this Chapter.

(2) **Expenditure lobbyists.** At the time of initial registration each expenditure lobbyist shall report to the Ethics Commission the following information:

- (A) The name, mailing address, e-mail address, and telephone number of the lobbyist;
- (B) Expenditure lobbyists that are entities shall provide:
  - (i) a description of their nature and purpose(s);
  - (ii) if the expenditure lobbyist is a corporation, the names of the corporation's chief executive officer, chief financial officer, and secretary, any officer who authorized payments to influence local legislative and administrative action, and any person who owns more than 20 percent of the corporation;
  - (iii) if the expenditure lobbyist is a partnership, the name of each partner if the entity has fewer than 10, or the name of the partner with the greatest ownership interest if the entity has 10 or more partners;
  - (iv) for any other type of business entity, the name of each person with an ownership interest if the entity has fewer than 10 owners, or the name of the person with the greatest ownership interest in the entity, if the entity has 10 or more owners;
- (C) Expenditure lobbyists that are individuals shall provide a description of their business activities;
- (D) Each agency that the expenditure lobbyist has made, will make, or may make payments to influence; and
- (E) Any other information required by the Ethics Commission through regulation, consistent with the purposes and provisions of this Chapter.

(c) **LOBBYIST DISCLOSURES.** For each calendar month, each lobbyist shall submit the following information no later than the fifteenth calendar day following the end of the month:

- (1) **Contact lobbyists.** Each contact lobbyist shall report to the Ethics Commission the following information:
  - (A) The name, business address and business telephone number of each person from whom the lobbyist or the lobbyist's employer received or expected to receive economic consideration to influence local legislative or administrative action during the reporting period.
  - (B) The name of each officer of the City and County of San Francisco with whom the lobbyist made a contact during the reporting period.
  - (C) The date on which each contact was made.
  - (D) The local legislative or administrative action that the lobbyist sought to influence, including, if any, the title and file number of any resolution, motion, appeal, application, petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement or contract, and the outcome sought by the client.
  - (E) The client on whose behalf each contact was made.
  - (F) The amount of economic consideration received or expected by the lobbyist or the lobbyist's employer from each client during the reporting period.
  - (G) All activity expenses incurred by the lobbyist during the reporting period, including the following information:

(v) The date and amount of each activity expense,

(ii) The full name and official position, if any, of the beneficiary of each activity expense, a description of the benefit, and the amount of the benefit;

(iii) The full name of the payee of each activity expense if other than the beneficiary;

(iv) Whenever a lobbyist is required to report a salary of an individual pursuant to this subsection (c)(1), the lobbyist need only disclose whether the total salary payments made to the individual during the reporting period was less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

(H) All campaign contributions of \$100 or more made or delivered by the lobbyist or the lobbyist's employer, or made by a client at the behest of the lobbyist or the lobbyist's employer during the reporting period to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a measure to be voted on only in San Francisco. This report shall include such campaign contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary.

The following information regarding each campaign contribution shall be submitted to the Ethics Commission:

(i) The amount of the contribution;

(ii) The name of the contributor;

(iii) The date on which the contribution was made;

(iv) The contributor's occupation;

(v) The contributor's employer, or if self-employed, the name of the contributor's business; and

(vi) The committee to which the contribution was made.

(I) For each contact at which a person providing purely technical data, analysis, or expertise was present, as described in Section 2.106(b)(10), the name, address, employer and area of expertise of the person providing the data, analysis or expertise.

(J) Any other information required by the Ethics Commission through regulation consistent with the purposes and provisions of this Chapter.

(2) **Expenditure lobbyists.** Each expenditure lobbyist shall report to the Ethics Commission the following information:

(A) The local legislative or administrative action that the lobbyist sought to influence, including, if any, the title and file number of any resolution, motion, appeal, application, petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement or contract.

(B) The total amount of payments made during the reporting period to influence local legislative or administrative action.

(C) Each payment of \$1,000 or more made during the reporting period, including the date of payment, the name and address of each person receiving the payment, a description of the payment, and a description of the consideration for which the payment was made.

(D) All campaign contributions of \$100 or more made or delivered by the lobbyist or made at the behest of the lobbyist during the reporting period to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a measure to be voted on only in San Francisco. This report shall include such campaign contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or intermediary.

The following information regarding each campaign contribution shall be submitted to the Ethics Commission:

(i) The amount of the contribution;

(ii) The name of the contributor;

(iii) The date on which the contribution was made;

(iv) The contributor's occupation;



(v) The contributor's employer, or if self-employed, the name of the contributor's business, and

(vi) The committee to which the contribution was made.

(E) Any other information required by the Ethics Commission through regulation, consistent with the purposes and provisions of this Chapter 1.

(d) **DUTY TO UPDATE INFORMATION.** Lobbyists shall amend any information submitted to the Ethics Commission through registration and monthly disclosures within five days of the changed circumstances that require correction or updating of such information.

(e) **REGISTRATION AND FILING OF DISCLOSURES BY ORGANIZATIONS.** The Ethics Commission is authorized to establish procedures to permit the registration and filing of contact lobbyist disclosures by a business, firm, or organization on behalf of the individual contact lobbyists employed by those businesses, firms, or organizations.

(f) **FEES; TERMINATION OF REGISTRATION.**

(1) At the time of registration each lobbyist shall pay a fee of \$500. On or before every subsequent February 1, each registered lobbyist shall pay an additional fee of \$500.

(2) Failure to pay the annual fee by February 1 shall constitute a termination of a lobbyist's registration with the Ethics Commission. The Ethics Commission is also authorized to establish additional processes for the termination of a lobbyist's registration.

(3) The Ethics Commission shall waive all registration fees for any full-time employee of a tax-exempt organization presenting proof of the organization's tax-exempt status under 26 U.S.C. Section 501(c)(3) or 501(c)(4).

(4) The Ethics Commission shall deposit all fees collected pursuant to this Section in the General Fund of the City and County of San Francisco.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 129-03, File No. 030250, App. 5/30/2003; Ord. 235-09, File No. 090833, App. 11/10/2009; Ord. 98-14, File No. 130374, App. 6/26/2014, Eff. 7/26/2014; Prop. C, App. 11/3/2015, Oper. 2/1/2016; Prop. T, App. 11/8/2016, Oper. 1/1/2018)

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## **SEC. 2.115. LIMITS AND PROHIBITIONS.**

(a) **GIFT PROHIBITION.**

(1) No lobbyist shall make any gift, including any gift of travel, to an officer of the City and County, or to a parent, spouse, domestic partner registered under state law, or dependent child of an officer of the City and County. No lobbyist shall make any payment to a third-party for the purpose of paying for a gift or any part of a gift, including any gift of travel, to an officer of the City and County, or to a parent, spouse, domestic partner registered under state law, or dependent child of an officer of the City and County.

(2) No officer of the City and County may accept or solicit any gift, including any gift of travel, from any lobbyist for the officer's personal benefit or for the personal benefit of the officer's parent, spouse, domestic partner registered under state law, or dependent child. No officer of the City and County may accept or solicit any gift, including any gift of travel, from a third-party if the officer knows or has reason to know that the third-party is providing the gift or gift of travel on behalf of a lobbyist.

(3) **Exception for gifts of food or refreshment provided by 501(c)(3) nonprofit organizations.** Notwithstanding the prohibitions set forth in subsections (1) and (2), lobbyists may offer gifts of food or refreshment worth \$25 or less per occasion, and officers of the City and County may accept such gifts, if the lobbyist is a 501(c)(3) nonprofit organization, the gift of food or refreshment is offered in connection with a public event held by the 501(c)(3) nonprofit organization, and the same gift of food or refreshment is made available to all attendees of the public event.

(4) **Aggregation of gifts.** For purposes of the gift limits imposed by subsections (1)-(3), gifts shall be aggregated set forth in California Code of Regulations, Title 2, Section 18945.1, as it may hereafter be amended.

(b) **FUTURE EMPLOYMENT.** No lobbyist shall cause or influence the introduction or initiation of any local legislative or administrative action for the purpose of thereafter being employed or retained to secure its granting, denial, confirmation, rejection, passage, or defeat.

(c) **FICTITIOUS PERSONS.** No contact lobbyist shall contact any officer of the City and County in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

(d) **EVASION OF OBLIGATIONS.** No lobbyist shall attempt to evade the obligations imposed by this Chapter through indirect efforts or through the use of agents, associates, or employees.

**(e) CAMPAIGN CONTRIBUTIONS - PROHIBITIONS.**

(1) No lobbyist shall make any contribution to a City elective officer or candidate for City elective office, including the City elective officer's or candidate's controlled committees, if that lobbyist (A) is registered to lobby the agency of the City elective officer or the agency for which the candidate is seeking election or (B) has been registered to lobby that agency in the previous 90 days.

(2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to influence, as required by Section 2.110(b), the lobbyist may not make a contribution to any City elective officer or candidate for City elective office, or any City elective officer's or candidate's controlled committees.

**(f) BUNDLING OF CAMPAIGN CONTRIBUTIONS - PROHIBITIONS.**

(1) No lobbyist shall deliver or transmit, or deliver or transmit through a third party, any contribution made by another person to any City elective officer or candidate for City elective office, or any City elective officer's or candidate's controlled committees, if that lobbyist (A) is registered to lobby the agency for which the candidate is seeking election or the agency of the City elective officer or (B) has been registered to lobby that agency in the previous 90 days.

(2) If a lobbyist has failed to disclose which agencies the lobbyist attempts to influence, as required by Section 2.110(b), the lobbyist may not deliver or transmit, or deliver or transmit through a third party, any contribution made by another person to any City elective officer or candidate for City elective office, or any City elective officer's or candidate's controlled committees.

(g) **AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.** For purposes of the contribution limits imposed by subsections (e) and (f), the contributions of an entity whose contributions are directed and controlled by any lobbyist shall be aggregated with contributions made by that lobbyist as set forth in Section 1.114(c).

(h) **REGULATIONS.** The Ethics Commission may adopt regulations implementing this Section 2.115, but such regulations may not establish any exceptions from the limits and prohibitions set forth therein.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009; Prop. C, App. 11/3/2015, Oper. 2/1/2016; Prop. T, App. 11/8/2016, Oper. 1/1/2018)

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**SEC. 2.116. LOBBYIST TRAINING.**

(a) Each contact lobbyist must complete a lobbyist training session offered by the Ethics Commission within one year of the lobbyist's initial registration. Thereafter, contact lobbyists shall attend additional training sessions as required by the Executive Director, at his or her discretion.

(b) The Ethics Commission shall make lobbyist training sessions available on its website.

(c) On or before the deadline for completing any required lobbyist training session, each contact lobbyist must file a signed declaration with the Ethics Commission stating, under penalty of perjury, that the lobbyist has completed the required training session.

(Added by Ord. 235-09, File No. 090833, App. 11/10/2009; amended by Ord. 98-14, File No. 130374, App. 6/26/2014, Eff. 7/26/2014; Prop. C, App. 11/3/2015, Oper. 2/1/2016)

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**SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.**

(a) **PROHIBITION.** No campaign consultant, individual who has an ownership interest in the campaign consultant, or an employee of the campaign consultant shall communicate with any officer of the City and County who is a current or former client of the campaign consultant on behalf of another person or entity (other than the City and County) in exchange for economic consideration for the purpose of influencing local legislative or administrative action.

**(b) EXCEPTIONS.**

(1) This prohibition shall not apply to:

(A) an employee of a campaign consultant whose sole duties are clerical; or

(B) an employee of a campaign consultant who did not personally provide campaign consulting services to the officer of the City and County with whom the employee seeks to communicate in order to influence local legislative or administrative action.

(2) The exceptions in Subsection (b)(1) shall not apply to any person who communicates with an officer of the City and County in his or her capacity as an employee of the campaign consultant who is prohibited by Subsection (a) from making the communication.

(c) **DEFINITIONS.** Whenever the following words or phrases are used in this Section, they shall mean:

(1) "Campaign consultant" shall have the same meaning as in Article I, Chapter 5, Section 1.505 of this Code.

(2) "Campaign consulting services" shall have the same meaning as in Article I, Chapter 5, Section 1.505 of this Code.

(3) "Current client" shall mean a person for whom the campaign consultant has filed a client authorization statement pursuant to Article I, Chapter 5, Section 1.515(d) of this Code and not filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of this Code. If such person is a committee as defined by Section 82013 of the California Government Code, the current client shall be any individual who controls such committee; any candidate that such committee was primarily formed to support; and any proponent or opponent of a ballot measure that the committee is primarily formed to support or oppose.

(4) "Employee" shall mean an individual employed by a campaign consultant, but does not include any individual who has an ownership interest in the campaign consultant that employs them.

(5) "Former client" shall mean a person for whom the campaign consultant has filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of this Code within the 60 months prior to communicating with the person.

(Added by Ord. 28-04, File No. 031656, App. 2/20/2004; amended by Ord. 239-08, File No. 080162, App. 10/30/2008; Ord. 235-09, File No. 090833, App. 11/10/2009)

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**SEC. 2.120. EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES; APPOINTMENT OF EMPLOYEE TO CITY AND COUNTY OFFICE.**

(a) **EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES.** If any lobbyist employs or requests, recommends or causes a client of the lobbyist to employ, and such client does employ, any officer of the City and County, any immediate family member or registered domestic partner of an officer of the City and County, or any person known by such lobbyist to be a full-time employee of the City and County, in any capacity whatsoever, the lobbyist shall file within 10 days after such employment a statement with the Ethics Commission setting out the name of the employee, the date first employed, the nature of the employment duties, and the salary or rate of pay of the employee.

(b) **APPOINTMENT OF EMPLOYEE TO CITY OFFICE.** If an employee of a lobbyist is appointed to City or County office the lobbyist shall file within 10 days after such appointment a statement with the Ethics Commission setting out the name of the employee, the date first employed, the nature of the employment duties, and the salary or rate of pay of the employee.

(c) **REPORT OF SALARY.** Whenever a filer is required to report the salary of an employee who is also an officer or employee of the City and County pursuant to this Section, the filer need only disclose whether the total salary payments made to the employee are less than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000)

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**SEC. 2.125. [REPEALED.]**

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; repealed by Ord. 235-09, File No. 090833, App. 11/10/2009)

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**SEC. 2.130. EMPLOYMENT OF UNREGISTERED PERSONS.**

It shall be unlawful knowingly to pay any contact lobbyist to contact any officer of the City and County of San Francisco, if said contact lobbyist is required to register under this Chapter and has not done so by the deadlines imposed in this Chapter.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009; Prop. C, App. 11/3/2015, Oper. 2/1/2016)

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**SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF DOCUMENTS; AUDITS.**

(a) All information required under this Chapter shall be submitted to the Ethics Commission, in the format designated by the

COMMISSION. THE LOBBYIST SHALL VERIFY, UNDER PENALTY OF PERJURY, THE ACCURACY AND COMPLETENESS OF THE INFORMATION PROVIDED UNDER THIS Chapter.

(b) The lobbyist shall retain for a period of five years all books, papers and documents necessary to substantiate the registration and disclosure reports required by this Chapter. These records shall include, but not be limited to, copies of all fundraising solicitations sent by the lobbyist or his or her agent for an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco.

(c) On an annual basis, the Executive Director shall initiate audits of one or more lobbyists selected at random. At the request of the Executive Director, the Controller may assist in conducting these audits. This requirement shall not restrict the authority of the Executive Director or the Ethics Commission to undertake any other audits or investigations of a lobbyist authorized by law or regulation. Within ten business days of a request by the Ethics Commission, a lobbyist or anyone required to register as a lobbyist shall provide the Ethics Commission with any documents required to be retained under this Section.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009; Ord. 98-14, File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

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### **SEC. 2.136. FALSE INFORMATION; DUTY TO COOPERATE AND ASSIST.**

(a) **PROHIBITION.** No person shall knowingly and intentionally furnish false or fraudulent evidence, documents, or information to the Ethics Commission, District Attorney or City Attorney, or knowingly and intentionally misrepresent any material fact, or conceal any evidence, documents, or information relevant to an investigation by the Ethics Commission, District Attorney or City Attorney of an alleged violation of this Chapter.

(b) **DUTY TO COOPERATE AND ASSIST.** The Ethics Commission, District Attorney or City Attorney may request and shall receive from every City officer and employee cooperation and assistance with an investigation into an alleged violation of this Chapter.

(Added by Ord. 98-14, File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

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### **SEC. 2.140. POWERS AND DUTIES OF THE ETHICS COMMISSION.**

(a) The Ethics Commission shall prescribe the format for the submission of all information required by this Chapter.

(b) Upon request by the Board of Supervisors or the Mayor, the Ethics Commission shall compile the information submitted pursuant to this Chapter and forward a report of the compiled information to the Board of Supervisors and the Mayor within thirty days of receipt of the request.

(c) Upon request by the Board of Supervisors or the Mayor, the Ethics Commission shall file a report with the Board of Supervisors and the Mayor on the implementation of this Chapter within thirty days of receipt of the request.

(d) The Ethics Commission shall preserve all original reports, statements, and other records required to be kept or filed under this Chapter for a period of five years. Such reports, statements, and records shall constitute a part of the public records of the Ethics Commission and shall be open to public inspection.

(e) The Ethics Commission shall provide formal and informal advice regarding the duties under this Chapter of a person or entity pursuant to the procedures specified in San Francisco Charter Section C3.699-12.

(f) The Ethics Commission shall have the power to adopt all reasonable and necessary rules and regulations for the implementation of this Chapter pursuant to Charter Section 15.102.

(g) The Ethics Commission shall conduct quarterly workshops concerning the laws relating to lobbying.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009)

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### **SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.**

(a) If any lobbyist fails to submit any information required by this Chapter after any applicable deadline, the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter, impose a late filing fee of \$50 per day after the deadline until the information is received by the Ethics Commission. The Executive Director of the Ethics Commission may reduce or waive a late filing fee if the Executive Director determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter. If such reduction or waiver equals or exceeds \$500, the Executive Director shall notify the Commission of his or her

...thereafter, any two or more members of the Commission may cause the reduction or waiver to be calendared for consideration by the full Commission in open session at the next Commission meeting occurring no sooner than ten days from the date the Executive Director informs the Commission of the Executive Director's recommendation. A Commissioner's request that a reduction or waiver be calendared must be received by the Executive Director no fewer than five days prior to the date of the meeting, so that the Executive Director may comply with the applicable notice and agenda requirements. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.

(b) Any person who knowingly or negligently violates this Chapter, including but not limited to, by providing inaccurate or incomplete information regarding lobbying activities, may be liable in an administrative proceeding before the Ethics Commission pursuant to Charter Section C3.699-13. In addition to the administrative penalties set forth in the Charter, the Ethics Commission may issue warning letters regarding potential violations of this Chapter both to the lobbyist and the person who pays or employs the lobbyist.

(c) Any person or entity which knowingly or negligently violates this Chapter may be liable in a civil action brought by the City Attorney for an amount up to \$5,000 per violation, or three times the amount not properly reported, or three times the amount given or received in excess of the gift limit, whichever is greater.

(d) In investigating any alleged violation of this Chapter the Ethics Commission and City Attorney shall have the power to inspect all documents required to be maintained under this Chapter. This power to inspect documents is in addition to other powers conferred on the Ethics Commission and City Attorney by the Charter or by ordinance, including the power of subpoena.

**(e) JOINT AND SEVERAL LIABILITY.**

(1) Should two or more persons be responsible for any violation under this Chapter, they may be jointly and severally liable.

(2) The client or employer of a lobbyist shall be jointly and severally liable for all violations of this Chapter committed by the lobbyist in connection with acts or omissions undertaken on behalf of that client or employer.

(3) If a business, firm or organization registers or files lobbyist disclosures on behalf of its employees pursuant to Section 2.110(d), the business, firm or organization may be held jointly and severally liable for any failure to disclose its employees' lobbying activities.

(f) The City Attorney may also bring an action to revoke for up to one year the registration of any lobbyist who has knowingly violated this Chapter.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 129-03, File No. 030250, App. 5/30/2003; Ord. 235-09, File No. 090833, App. 11/10/2009; Ord. 98-14, File No. 130374, App. 6/26/2014, Eff. 7/26/2014)

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**SEC. 2.150. LIMITATION OF ACTIONS.**

(a) No civil action shall be brought to enforce this Chapter unless brought within four years after the date the cause of action accrued or the date that the facts constituting the cause of action were discovered by the City Attorney. For the purpose of this Subsection, a civil action is brought when the City Attorney files the action in a court of law.

(b) No administrative action alleging a violation of this Chapter and brought under Charter Section C3.699-13 shall be brought more than four years after the date of events which form the basis of the complaint, or the date that the events constituting the basis of the complaint were discovered by the Ethics Commission. For the purpose of this Subsection, a complaint is brought by the Executive Director of the Ethics Commission upon the date of service of the probable cause report.

(c) A civil action brought to enforce or collect penalties or late filing fees imposed under this Chapter shall be brought within four years after the date on which the penalty or late filing fee was imposed. For purposes of this Subsection, a penalty or late filing fee is imposed when the Ethics Commission has issued a final decision in an enforcement action imposing a penalty for a violation of this Chapter or the Ethics Commission or Executive Director has made a final determination regarding the amount of a late filing fee imposed under this Chapter. The Ethics Commission or Executive Director does not make a final determination regarding the amount of a late filing fee imposed under this Chapter until the Ethics Commission or Executive Director has made a determination to accept or refuse any request to waive a late filing fee where such waiver has been timely requested and is expressly authorized by statute, ordinance, or regulation. For the purpose of this Subsection, a civil action is brought when the City Attorney files the action in a court of law.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 235-09, File No. 090833, App. 11/10/2009)

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**SEC. 2.155. SEVERABILITY.**

If any section, subsection, subdivision, sentence, clause, phrase or portion of this Chapter, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter or its application to other persons. The Board of Supervisors hereby declares that it would have adopted this Chapter, and each Section, Subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more Sections, Subsections, subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person, to be declared invalid or unconstitutional.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000)

**SEC. 2.160. [REPEALED.]**

(Added by Ord. 222-00, File No. 000741, App. 9/29/2000; repealed by Ord. 235-09, File No. 090833, App. 11/10/2009)

# Attachment F

Miami Beach, Florida  
Municipal Code “Lobbyists”

## DIVISION 3. - LOBBYISTS

## Sec. 2-481. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Advisory personnel* means the members of those city boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the city commissioners.

*Autonomous personnel* includes but is not limited to the members of the housing authority, personnel board, pension boards, and such other autonomous or semi-autonomous authorities, boards and agencies as are entrusted with the day-to-day policy setting, operation and management of certain defined functions or areas of responsibility.

*Commissioners* means the mayor and members of the city commission.

*Community based organization* means a not-for-profit association or corporation organized under state or local law to engage in community development activities (including, but not limited to, housing and economic development activities) and has as its primary purpose the improvement of the physical, economic or social environment by addressing one or more of the critical needs of the area, with particular attention to the needs of people with low or moderate incomes.

*Departmental personnel* means the city manager, all assistant city managers, all department heads, the city attorney, chief deputy city attorney and all assistant city attorneys; however, all departmental personnel when acting in connection with administrative hearings shall not be included for purposes of this division.

*Lobbyist* means all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of the city manager or any city board or committee; or any action, decision or recommendation of any city personnel defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city commission, or a city board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities. The term "lobbyist" specifically excludes the following persons:

Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; and any person who only appears as a representative of not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance.

The persons specifically excluded above from the definition of "lobbyist" shall, prior to communicating with subject city personnel, disclose in writing to the city clerk, their name, address, and principal on whose behalf they are communicating.



*Neighborhood association* means an organization of residential homeowners and tenants created to address quality of life issues in a defined neighborhood or community.

*Quasi-judicial personnel* means the members of the planning board, the board of adjustment and such other boards and agencies of the city that perform such quasi-judicial functions. The nuisance abatement board, special master hearings and administrative hearings shall not be included for purposes of this division as to those individuals compelled to appear before said agencies.

(Ord. No. 92-2777, §§ 1, 2, 3-4-92; Ord. No. 92-2785, §§ 1, 2, 6-17-92; Ord. No. 2004-3435, § 1, 2-4-04)

**Cross reference—** Definitions generally, § 1-2.

Sec. 2-482. - Registration; disclosures.

- (a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of \$350.00, as specified in appendix A and state under oath:
- (1) The lobbyist's name;
  - (2) The lobbyist's business address;
  - (3) The name and business address of each person or entity which has employed the registrant to lobby;
  - (4) The commissioner or personnel sought to be lobbied, and whether the lobbyist has entered into any contractual relationship (paid or unpaid) with said city commissioner or personnel from 12 months preceding such person's commencement of service with the city to the present date, stating the general nature of the subject contractual relationship.
    - a. A lobbyist who has within the past election cycle provided campaign consulting services to an incumbent member of the city commission (which lobbying activity is not otherwise prohibited by Code section 2-491) shall disclose such particular service on his/her lobbyist registration form and shall orally disclose such particular service before lobbying the city commission at a public hearing.
    - b. For purposes of subsection (4)a., above, the following definitions shall apply:
 

*Campaign consulting services* means primary responsibility for campaign management or campaign strategy.

*Campaign management* means conducting, coordinating or supervising a campaign to elect a candidate.

*Campaign strategy* means formulation of plans for the election of a candidate.

*Candidate* shall have the meaning ascribed to such term in F.S. § 97.021(5), as amended and supplemented.

*Past election cycle* means the immediately preceding City of Miami Beach election held for the purpose of electing a member of the city commission.
  - (5) The specific issue on which the lobbyist has been employed to lobby; and

- (6) The terms and amount of compensation to be paid by each principal to the lobbyist with regard to the which the lobbyist has been engaged to lobby.
- (b) Any change to any information originally filed, or any additional city commissioner or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.
- (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five-percent or more ownership interest in such corporation, partnership, or trust.
- (d) Separate registration shall be required for each principal represented on each specific issue. Such issue shall be described with as much detail as is practical, including, but not limited to, a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number.
- (e) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.
- (f) In addition to the \$350.00 per issue registration fee required in subsection (a) of this section, annual registration of all lobbyists shall be required for each 12-month period commencing October 1 of each year, and the fee for such annual registration shall be \$500.00, as specified in appendix A.
- (g) Every registrant shall be required to state the extent of any business, financial, familial or professional relationship, or other relationship giving rise to an appearance of an impropriety, with any current city commissioner or city personnel who is sought to be lobbied as identified on the lobbyist registration form filed.
- (h) The registration fees required by subsections (a) and (f) of this section shall be deposited by the clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration, and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal, and the city commission may in its discretion, waive the registration fee upon a finding of financial hardship. Prior to conducting any lobbying, all principals must file a form with the city clerk, signed by the principal or the principal's representative, stating under oath that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form under oath with the city clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.
- (1) Exemptions from fee requirement.
- a. A principal of any corporation, partnership, or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support of or opposition to any item, shall register with the clerk as required by this subsection, but shall not be required to pay any registration fees.
- b. Any person (except those exempt from the definition of "lobbyist" as set forth in section 2-481 above) who only appears as a representative of a not-for-profit corporation or entity without special compensation or reimbursement for the appearance, whether direct or indirect to

express support of or opposition to any item, shall register with the clerk as required by this section but, shall not be required to pay any registration fees.

Copies of registration forms shall be furnished to each commissioner or other personnel named on the forms.

- (i) All members of the city commission and all city personnel shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Commissioners or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this section to lobby the commissioner or the relevant committee, board or city personnel.
- (j) The city clerk shall publish logs on a quarterly and annual basis reflecting the lobbyist registrations filed. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the state legislature pursuant to F.S. § 11.045.

(Ord. No. 92-2777, § 3, 3-4-92; Ord. No. 92-2785, § 3, 6-17-92; Ord. No. 2000-3243, § 1, 5-10-00; Ord. No. 2004-3435, § 1, 2-4-04; Ord. No. 2008-3600, § 1, 3-12-08; Ord. No. 2009-3650, § 1, 9-24-09; Ord. No. 2010-3689, § 1, 9-15-10; Ord. No. 2016-4024, § 1, 7-13-16; Ord. No. 2017-4111, § 1, 7-26-17; Ord. No. 2018-4206, § 1, 7-25-18)

**Cross reference—** List of expenditures; fee disclosure; reporting requirements, § 2-485.

#### Sec. 2-483. - Exceptions to registration.

- (a) Any public officer, employee or appointee or any person or entity in contractual privity with the city who only appears in his official capacity shall not be required to register as a lobbyist.
- (b) Any person who only appears in his individual capacity, for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, shall not be required to register as a lobbyist, including, but not limited to, those who are members of homeowner or neighborhood associations. All speakers shall, however, sign up on forms available at the public hearing. Additionally, any person requested to appear before any city personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.

(Ord. No. 92-2777, §§ 4, 5, 3-4-92; Ord. No. 92-2785, §§ 4, 5, 6-17-92; Ord. No. 2004-3435, § 1, 2-4-04)

#### Sec. 2-484. - Sign-in logs.

In addition to the registration requirements addressed above, all city departments, including the offices of the mayor and city commission, the offices of the city manager, and the offices of the city attorney, shall maintain signed sign-in logs for all noncity employees or personnel for registration when they meet with any personnel as defined in section 2-481.

(Ord. No. 92-2785, § 6, 6-17-92)

#### Sec. 2-485. - List of expenditures; fee disclosure; reporting requirements.

- (a) On February 28<sup>1</sup> of each year, lobbyists subject to lobbyist registration requirements shall submit to the city clerk a signed statement under oath as provided herein listing all lobbying expenditures, as well as

compensation received, for the preceding calendar year with regard to the specific issue on which the lobbyist has been engaged to lobby. A statement shall be filed even if there have been no expenditures or compensation during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

- (b) Each lobbyist and his/her principal shall, before engaging in any lobbying activities, submit to the city clerk a joint signed statement under oath disclosing the terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby. If no compensation will be paid concerning the subject lobby services, a statement shall nonetheless be filed reflecting as such.
- (c) Any change to information originally filed shall require that the lobbyist (and principal under subsection (b) above) file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports; additionally, in the event official action on the specific lobbied issue is scheduled to occur during said three day period, the lobbyist and principal shall prior to said official action, further disclose the amendment by publicly stating on the record at which the official action is to occur the subject amendment. The lobbyist and principal have a continuing duty to supply accurate information and amend said reports when so needed.
- (d) The city clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in sections (a) and (b) above. In addition to any other penalties which may be imposed as provided in section 2-485.1, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by April 30 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the Miami Dade County Ethics Commission.
- (e) The city clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.
- (f) A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.

(Ord. No. 92-2777, § 6, 3-4-92; Ord. No. 92-2785, § 7, 6-17-92; Ord. No. 2000-3243, § 1, 5-10-00; Ord. No. 2002-3363, § 1, 5-8-02; Ord. No. 2002-3376, § 1, 7-31-02; Ord. No. 2004-3435, § 1, 2-4-04; Ord. No. 2010-3689, § 2, 9-15-10)

<sup>1</sup> For purposes of transitioning this change of date and related lobbyist responsibility to timely file disclosure reports as required hereinabove, reports for calendar years 2009 and 2010 shall be submitted to the city clerk by February 28, 2011, with subsequent years' reports to be filed with the city clerk by February 28 of each respective following year, as set forth in [subsection] (a) above.

#### Sec. 2-485.1. - Penalties.

- (a) A finding by the Miami-Dade County Commission on Ethics and Public Trust that a person has violated this division shall subject said person to those penalties set forth within subsections 2-11.1(s) and (z) of

the Metropolitan Dade County Code, said penalties including admonition, public reprimand, fines, as well as prohibitions from registering as a lobbyist or engaging in lobbying activities before the city.

Also, a bidder or proposer shall be subject to the debarment provisions of chapter 2, division 5 of this Code as if the bidder or proposer were a contractor where the bidder or proposer has violated this division either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this division shall also render the contract voidable. The city manager shall include the provisions of this subsection in all city bid documents, RFP, RFQ, RFLI; provided, however, that failure to do so shall not render any contract entered into as the result of such failure illegal per se.

- (b) Except as otherwise provided in subsection (a) herein, the validity of any action or determination of the city commission or city personnel, board or committee, shall not be affected by the failure of any person to comply with the provisions of this division.

(Ord. No. 2000-3243, § 1, 5-10-00; Ord. No. 2004-3435, § 1, 2-4-04)

#### Sec. 2-485.2. - Prohibited lobbying activities.

Any person or entity retained as a lobbyist by the city is prohibited from lobbying any city officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFO, RFLI, bid, request for ruling or other determination, contract or controversy on behalf of a third party for the length of the contract or other agreement between the lobbyist and the city.

(Ord. No. 2002-3364, § 1, 5-8-02)

**Editor's note**— Ord. No. 2002-3364, § 1, adopted May 8, 2002, enacted provisions intended for use as § 2-485A. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as § 2-485.2.

#### Sec. 2-485.3. - Contingency fee prohibited.

No person or entity may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of:

- (1) An ordinance, resolution, action or decision of the city commission;
- (2) Any action, decision or recommendation of the city manager or any city board or committee; or
- (3) Any action, decision or recommendation of city personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee.

(Ord. No. 2002-3365, § 1, 5-8-02; Ord. No. 2004-3435, § 1, 2-4-04)

**Editor's note**— Ord. No. 2002-3365, § 1, adopted May 8, 2002, enacted provisions intended for use as § 2-485B. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as § 2-485.3.